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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Serial No. 09/996,125
Filing Date..... November 28, 2001
Inventor McBrearty et al.
Assignee International Business Machines Corporation
Group Art Unit 2145
Examiner J. Swearingen
Attorney's Docket No. AUS9-2001-0372-US1
Confirmation No..... 1470
Title:..... System And Method For Indicating Whether A Document Is Cached

APPELLANTS' REPLY BRIEF UNDER 37 C.F.R. 1.193

To: Mail Stop Appeal Brief-Patents
Commissioner of Patents
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This is a reply in response to the Examiner's Answer dated November 28, 2006 of application serial number 09/996,125 filed on November 28, 2001. This reply brief is being submitted in accordance with 37 C.F.R. 1.193. The Commissioner is authorized to charge any fees required to Deposit Account No. 09-0447.

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PATENT APPLICATION
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TRANSMITTAL OF REPLY BRIEF

Transmitted herewith is the Reply Brief with respect to the Examiner's Answer mailed on Nov. 28, 2006.

This Reply Brief is being filed pursuant to 37 CFR 1.193(b) within two months of the date of the Examiner's Answer.

(Note: Extensions of time are not allowed under 37 CFR 1.136(a))

(Note: Failure to file a Reply Brief will result in dismissal of the Appeal as to the claims made subject to an expressly stated new ground rejection.)

No fee is required for filing of this Reply Brief.

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Respectfully submitted,

By



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REPLY BRIEF FOR APPELLANTS**I. REAL PARTY IN INTEREST**

The Examiner did not object to this section.

II. RELATED APPEALS AND INTERFERENCES

The Examiner did not object to this section.

III. STATUS OF CLAIMS

The Examiner did not object to this section.

IV. STATUS OF AMENDMENTS AFTER FINAL

The Examiner did not object to this section.

V. SUMMARY OF CLAIMED SUBJECT MATTER

The Examiner did not object to this section.

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The Examiner did not object to this section.

VII. CLAIMS APPENDIX

The Examiner did not object to this section.

VIII. REPLY TO THE EXAMINER'S GROUNDS OF REJECTION AND TO THE EXAMINER'S RESPONSE TO APPELLANTS' ARGUMENT

In response the Appellants' Appeal Brief, the Examiner reiterated his rejection of the Final Office Action. In addition, the Examiner provided another section entitled "Response to Argument" that contained arguments attempting to rebut the Appellants' arguments. It appears that confusion exists between the Examiner's interpretation of the Appellants' arguments, the Appellants' position and the Acharya et al. reference. Thus, the Appellants have provided below a concise statement of the Appellants' position in an attempt to clarify the confusion.

Currently, web browsers do not provide enough status information on the documents or pages that are cached to help a user make an informed decision. Namely, some users hesitate to visit certain URLs for fear the documents located at the URLs will

take too long to load due to their slow network connection. If users were aware of when the cached page was cached or what percentage of the page was cached, they would enjoy a more user friendly browsing experience because the cache information would help them make an informed decision.

To solve this problem, the present invention is embodied in a system and method for providing cache status information about a document, such as a web page, through a user interface when a user digitally points to an address, such as a URL. A percentage of the document that was previously cached with the cache status information is displayed. Also, when the user digitally points, the user selectively designates only portions of the cached document. Thus, only the user designated portions of the cached document are loaded.

In contrast, the combination of Acharya et al. with Gong and/or Banga et al. fails to disclose, teach, or suggest the Appellants' claimed allowing the user to digitally point to selected designated portions of the cached document and only loading the designated portions. Although the Examiner argued that when Acharya et al. was combined with Gong and/or Banga et al., the combination taught the Appellants' claimed invention, the Appellants respectfully disagree with this interpretation. In particular, the Examiner has taken Acharya et al. out of context and used improper hindsight to reject the claims.

Namely, a closer reading of the Acharya et al. clearly shows that Acharya et al. instead disclose a method of "...fulfilling a request for information content with a *user-selectable version of a file* containing that information content. *Selection of a hyperlink* to information content results in generation of a menu of versions of files containing that information content. The menu displays options for *versions*...for converting files from *one version to another version*. Selection of an option for a materialized version results in transmission of the materialized version." (see at least Abstract and Summary of Acharya et al., *emphasis added*).

Consequently, Acharya et al. in combination with Gong and Banga et al. disclose allowing the user to select different and complete versions of the files because Acharya et al. explicitly states that its system is designed to "receive files over the network in various *user-selectable formats and/or resolutions*; i.e., *versions* (see col. 4, lines 46-63 of Acharya et al., *emphasis added*). This is very different and unlike the Appellants' claimed invention, which allows the user to select designated portions of the cached document by digitally pointing to them and then only loading the designated portions of the cached document.

Last, the Appellants submit that Examiner's statement that the Appellants are apparently arguing "loading a cached document without clicking a mouse" on page 6 of the Examiner's Answer is incorrect. In particular, in the Appellants' Appeal Brief, the Appellants argued on page 5 that "...the Appellants' claimed invention...allows selecting designated portions of the cached document and only loading the designated portions in response to the user digitally pointing to selected designated portions of the cached document." This is a feature that is explicitly described in claim 1.

The Appellants continued to specifically argue the "digitally pointing" aspect of this element by stating that the Examiner incorrectly concluded that "...the selection of a hyperlink consists of a user digitally pointing [selection of] to an address [hyperlink]" because selecting a hyperlink is not the same as digitally pointing to a hyperlink (the difference between clicking on an object and digitally pointing to it or hovering over it as a "mouseover"). This was used as evidence that the Examiner used hindsight and took the references out of context when rejected the claims. Hence, the Examiner was apparently mistaken when he stated that the Appellants were arguing "loading a cached document without clicking a mouse." In fact, the Appellants' argument was regarding the "digitally pointing" aspect of the Appellant claimed "allowing the user to digitally point to selected designated portions of the cached document and only loading the designated portions of the cached document."

The Appellants submit that the Examiner's misunderstanding of the Appellants' arguments is possibly due to the Examiner's misinterpretation of the cited references and the Appellants' claims and the Examiner's improper use of hindsight, which commonly causes these types of misunderstandings. Specifically, as previously argued, the Appellants' claims: 1) allow the user to digitally point to selected designated portions of the cached document; and 2) only load the designated portions of the cached document.

However, the combined references do not disclose these elements. Instead, the combined references disclose selecting (not the Appellants' digitally pointing) different and complete versions of a file (not the Appellants' designated portions of the cached document) and completely loading the selected version of the file (not the Appellants' only loading the designated portions of the cached document). Therefore, the Appellants submit that rejections under 35 U.S.C. § 103(a) should be withdrawn because the claims contain features that are not disclosed, taught or suggested by the cited references.

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With regard to the dependent claims, since they depend from the above-argued respective independent claims, they are therefore patentable on at least the same basis. (MPEP § 2143.03).

Therefore, the Appellants respectfully submit that the claims are allowable for at least the above-mentioned compelling reasons.

IX. CONCLUSION

For the foregoing reasons, it is submitted that the Examiner's rejection of the claims was erroneous, and reversal of the Examiner's decision is respectfully requested.

Respectfully submitted,

Date: January 25, 2007

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